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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/551,238

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KENNARD L WOTTOWA

ANDIP692

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09/26/2006

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/551,238	Applicant(s) WOTTOWA ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The request for a continued examination of this application under 37 CFR 1.114 has been acknowledged.
2. The Examiner's response to the applicant's arguments is incorporating in the rejection found below.

#### ***Claim Rejections - 35 USC § 112***

Claims 1, 3-11, 13-20 and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 17, claim 11, line 17 and claim 17, it appears that there is a period " ." denoting the end of each of these claims. The Examiner suggests applicant to remove these periods " ." as the claims do not end in these respective locations.

**Claims not directly addressed are rejected based on their dependency.**

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-11, 13-20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US Patent No. 6,354,490) in view of Nishimura et al. (JP404195256A) and/or Atkins (US Patent No. 5,864,828) and Clark Jr. et al. (US Patent No. 6,064,943).

As per claims 1, 11 and 20, Weiss discloses a system having means and logic whereby a customer may use one of a plurality of devices including a personal computer to open an account at a financial institution. Note the abstract. A user may transmit account application including information related to the user and documentation related to the user. Note the abstract. A computer at the financial institution is used to create a profile for the customer based on the account application and to create an account for the customers. Note column 8, lines 57-68, column 90, lines 60-68 and column 6, lines 30-63 of Weiss. Weiss also teaches creating a customer profile based on the information submitted by the customer. Note column 6, lines 46-63 of Weiss. Weiss does not explicitly teach transmitting information relating to the remotely created profile and account from a first computer to a second computer within the network, and transmitting a generated notification from the second computer to the first computer. However, the Examiner asserts that it is well known in the banking industry for a bank to use more than one computer in their establishment and also to include a branch office and/or a regional office having at least one computer. It would have been obvious to one of ordinary skill in the art to also note that a branch office may transmit customers' account information to a regional office and the regional office may further update customers' information at the local, or branch office. Also, a final notification may also be made by the regional office or a related underwriter's

office, which may transmit such to the branch office computer to be transferred or given to the customer.

Alternatively, Nishimura et al disclose a similar process. The system comprises a user at an automatic teller machine, ATM providing personal information that are stored in a RAM memory section of a computer. This information is later transmitted to a host computer 6 via an interface 46. The host computer 6 then generates a file and informs the opening of the account to an ATM 4. See the entire document.

Furthermore, systems for transferring account information relating to the opening of an account or to processing or approving a customer's request whereby a manager, supervisor having a computer for processing the information and for providing a notification to the customer is well known in the art. Atkins discloses a personal financial management system for the creation of a client portfolio of investment. See the abstract. Atkins also discloses that a manager or supervisor or other computers remotely connected from the client and whereby one of the computers is within a network of computers is used to approve a client's request and notifies the creation of an account. See column 8, line 61 to column 9, line 43; column 10, lines 8-13 and column 17, line 54 to column 18, line 54 of Atkins.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Nishimura et al or Atkins with Weiss in order to inform a remote customer of account information status. The motivation would have been to allow instant remote opening of an account thereby providing an attractive system.

Applicant has amended the independent claim to recite a customer “accessing a banking web site that is organized and presented to the customer using a garden metaphor” and argues that such a feature is not present in the combination above.

As per this limitation, the Examiner asserts that the type of labeling of functions does not affect the functioning of the combined teachings noted above as such does not bring patentable differences apart from the combination above.

In addition, systems for organizing and presenting to a client data regarding a garden metaphor are well known and used in the art. Applicant is directed to the teachings of Clark, Jr. et al. See column 6, line 65 to column 7, line 39 of Clark, Jr. et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Clark, Jr. et al. into the combination of Weiss and Nishimura et al./Atkins in order to make the presentment of the type of information to customers more realistic thus providing a more flexible system attracting a plurality of customers.

*Applicant's representative argues that Weiss et al., Nishimura et al., and/or Atkins and Clark Jr. et al. in combination fails to teach or suggest a computer “remote from the network” such as a first computer, remote from the network, to create a profile remotely from the customer” because it is the bank which exerts control of the computer, not the customer.*

*In response, it should be noted that the prior art taken in combination does teach the steps or functions of creating a profile for the customer. Specifically Weiss et al state that a user is opted to use a personal computer to assess or remotely open a bank account. See*

*column 4, lines 46-51. The account is created based on data collected from the customer or user wherein the customer or user is using his/her personal computer. Collected data and customer's needs then become the profile of that customer. See column 4, line 4 to column 5, line 15 and column 6, lines 30-45 of Weiss et al.*

*Applicant's claimed invention is not directed in a manner that the customer computer is actually creating the customer profile as the applicant is implying. Furthermore, for the customer computer to create the customer's banking profile for a given customer, the customer banking needs and analysis must be obtained from a given and reliable source. Also, the customer's profile cannot be automatically created without the interaction of the remote bank computer. Thus, applicant's argument is not persuasive. Furthermore, the applicant's claims are also not directed to the functions of the customer's computer actually creating the customer profile without contact with the remote bank's computer. Thus, as in the system of Weiss et al the customer uses a first computer, remote to the network, to create a profile remotely for the customer based on the account*

*Applicant's representative then argues that the amended claims now set out the "links" and purposes of the linked "web pages" in the independent claims in more details and therefore, the claimed category links of a planting, growing and harvesting define patentable differences.*

*In response, the Examiner greatly disagrees with the applicant's assertion. The Examiner asserts, that in opening an account, a banking account or a money account (similar to the claimed planting function), the customer expects to deposit or transfer funds into the bank account (similar to the claimed growing link or growing function) and also to withdraw*

*funds from or close the bank account (similar to the claimed harvesting function). Thus, there appears to be no patentable differences. Only a labeling difference exists as such cannot result in patentable differences since the functions of opening an account, depositing or transferring funds and withdrawing funds are usual banking functions known in the art before the applicant's claimed invention and also present in most banking systems and also in the banking system of Weiss et al.*

*Applicant's representative then argues that the functions and purposes of the category links including growing, planting and harvesting set forth an easier manner of understanding the terms of art in the banking industry. The intuitiveness of the category links, once understood provides more than just re-labeling but re-labeling in a manner that provides a better way such as graphical user interfaces are more than re-labeling over the old DOS,*

*In response, again, the claimed functions are similar to the old and well-known and applied banking functions. The purpose of the category links does not bring patentable differences apart from the combination of Weiss et al., Nishimura et al., and/or Atkins and Clark Jr. et al. It should be noted that Weiss et al includes a graphical user interface that do not apply the old dos command techniques. See figures 10a-10c of Weiss et al. Furthermore, providing a "different purpose" or intent is not a patentable difference because the combination of Weiss et al., Nishimura et al., and/or Atkins and Clark Jr. et al. The applicant's statement of the purpose of a planting link, a growing link and a harvesting link being a user-friendly operation of the claimed invention does not create a patentable difference. The banking system of Weiss et al includes a graphical user interface being user-friendly. See figures 10a-10c. Furthermore, a graphical user interface in the combination of*



*Weiss et al., Nishimura et al., and/or Atkins and Clark Jr. et al. would have included the inherent characteristic of being user-friendly for the intended aesthetic and visual appearance that would provide an easy discernable visual appearance of the different banking functions.*

As per claim 3, most customer accounts include an identifier associated with a particular customer so as to differentiate the different customers. The computers include a printer, which may be used for printing material with the identifier.

As per claims 4-6, most bank customers are usually identified by an identifier or identification. Generating an identifier associated with the customer utilizing the first computer would have been obvious to the skilled artisan in the combination above in order to differentiate the different customers and also for data storage and retrieval purposes.

As per claim 7, note column 12, lines 60-67 and column 13, lines 45-59 of Weiss.

As per claim 8, sending the notification to the user via an electronic mail (e-mail) message is not explicitly stated in the combined teachings above. Such would have been obvious to one of ordinary skill in the art as the use of E-mail is well practiced in the art. Providing such in the combined teachings of Weiss and Nishimura et al or Atkins and Clark would have been obvious to the skilled artisan in order to provide instant account status to a customer.

As per claims 9-10, as per the step of inputting at least a portion of the information included in the account application into the first computer prior to the generation of the customer profile, note column 9, line 40 to column 10, line 44 and column 11, lines 3-15 of Weiss.

As per claim 10, storing the created profile and account in a database coupled to the computer is taught on column 12, lines 26-30 of Weiss. Atkins also discloses such a feature.

Claims 13-19 recite similar limitations addressed in respective claims 2-5 and 7-10, and therefore claims 13-19 are rejected under a similar rationale applied to claims 2-5 and 7-10 above.

As per claims 22-23, as per features reciting “performing third party payments on behalf of the customer by permitting the selection of a payee from a list and receiving payment information about the customer”, (see figure 6G of Weiss et al). Determining whether the payee and the customer each having an account with a common entity and adjusting the accounts of the customer and the payee if it is determined that the payee and customer both have accounts with the common entity is not explicitly taught by Weiss et al, Nishimura et al. or Atkins and Clark. It would have been obvious to one of ordinary skill in the art to note that such would have become evident when at least the first payment is initiated. Having accounts at a common entity would have facilitated the transfer of funds and the instant receipt of funds in the combination of Weiss et al and Nishimura et al. or Atkins and Clark because both the customer and the payee may be customers of a same financial institution. Adjusting accounts of the customer if it is determined that the payee and customer both have accounts with the common entity would have been obvious to one of ordinary skill in the art to do in the combination above in order to facilitate payment between the customer and payee.

As per claim 24, Atkins discloses that one of the types of services provided by their system is an investment fund. See the abstract of Atkins. The motivation to combine Atkins with Weiss et al is given above.

As per claims 25-26, see columns 15-18 of Atkins. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Atkins


into Weiss et al in order to provide customers with up-to-date information regarding their account.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**